

Text of Proposed Regulations

In the following text, ~~strikethrough~~ indicates deleted text; underlining indicates added or amended text.

3090. Inmate Canteen Establishment and Draw Limits.

Subsections 3090(a) through 3090(c) remain unchanged.

Subsection 3090(d) is amended to read:

(d) An inmate's trust account deductions for canteen purchases shall not be restricted beyond limits established by the ~~director~~ Secretary for all inmates in like work/~~training~~-incentive groups, except by formal disciplinary action for a violation involving canteen or the intentional or negligent destruction, damage, or misuse of state property, or in accordance with subsections 3315(f)(5)(K) and 3315(f)(5)(M).

Subsection 3090(e) remains unchanged.

Note: Authority cited: Section 5058, Penal Code. Reference: Sections 5005 and 5054, Penal Code.

3176.4. Restriction, Revocation or Suspension of an Inmate's Visits.

Subsections 3176.4(a) through 3176.4(b) remain unchanged.

Subsection 3176.4(c) is amended to read:

(c) Upon a finding of guilt of a drug related offense, as described in subsections 3323(c)(~~7~~6) and/or 3323(d)(~~6~~7), the official conducting a disciplinary hearing, shall suspend and restrict an inmate's visiting privileges pursuant to subsections 3315(f)(5)(H) and 3315(f)(5)(I).

Subsections 3176.4(d) through 3176.4(g) remain unchanged.

Note: Authority cited: Section 5058, Penal Code. Reference: Sections 2086, 2772, 2790, 4502, 4535, 4571, 4573, 4573.5, 4573.6 and 5054, Penal Code; ~~and~~ In re French, 106 Cal.App.3d 74 (1980).

3315. Serious Rule Violations.

Subsections 3315(a) through 3315(a)(3)(A) remain unchanged.

(3) Serious rule violations include but are not limited to:

Subsection 3315(a)(3)(B) is amended to read:

(B) Theft, embezzlement, destruction, or damage to another's personal property, state funds, or state property ~~amounting to more than \$50.~~

Subsections 3315(a)(3)(C) through 3315(f)(5)(J)3 remain unchanged.

(5) The disposition may or when mandated shall include assessment of one or more of the following:

Subsection 3315(f)(5)(K) is amended to read:

(K) Violation of Indecent Exposure or Sexual Disorderly Conduct of sections 3007, 3323(d)(~~7~~9), 3323(f)(5), and 3323(g)(~~8~~7) shall result in:

Subsections 3315(f)(5)(K)1 through 3315(g) remain unchanged.

Note: Authority cited: Section 5058, Penal Code. Reference: Sections 295-300.3, 314, 530, 532, 646.9, 647, 653m, 2931, 2932, 2933, 4573.6, 5054, 5068 and 12020, Penal Code.

3323. Disciplinary Credit Forfeiture Schedule.

Subsections 3323(a) through 3323(f)(11) remain unchanged.

(a) Upon a finding of guilt of a serious rule violation, a credit forfeiture against any determinate term of imprisonment or any minimum eligible parole date for an inmate sentenced to an indeterminate sentence, as defined in section 3000 Indeterminate Sentence Law (ISL), shall be assessed within the ranges specified in (b) through (h) below:

(f) Division "D" offenses; credit forfeiture of 61-90 days.

New subsection 3323(f)(12) is adopted to read:

(12) Assault on a non-prisoner.

Existing subsections 3323(f)(12) and 3323(f)(13) are renumbered and relocated to new subsections 3323(f)(13) and 3323(f)(14) and text remains unchanged.

(~~42~~13) Conspiracy to commit any Division “D” offense.

(~~43~~14) Solicitation to possess, distribute or introduce a controlled substance into a institution or contract health facility.

Subsections 3323(g) through 3323(k)(4) remain unchanged.

Note: Authority cited: Section 5058, Penal Code. Reference: Sections 148, 241, 243, 295-300.3, 314, 647, 2932, 2933, 4500, 4501, 4573.6, 4600, 5054 and 12020, Penal Code.